

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**AMALIZ FELIX, individually and as
next friend and mother of ROBERT A.
RUIZ, JR.,**

Plaintiffs,

v.

FAROUK A. HASSIEB,

Defendant.

2006-CV-0049

**TO: Lee J. Rohn, Esq.
James L. Hymes, III, Esq.**

ORDER DENYING PLAINTIFFS' MOTION TO COMPEL

THIS MATTER is before the Court upon the parties' Joint Stipulation Regarding Plaintiffs' Motion to Compel Production of Transcribed Statements Taken by Defendant's Insurance Company (Docket No. 24).

Having reviewed the said joint stipulation and upon due consideration thereof, the Court finds that the statement at issue was given by Defendant to his insurer not in relation to a first party claim and, therefore, discoverable as generated in the ordinary course of business; but, rather, as part of the investigation of this third-party claim, in anticipation

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of litigation. *See, e.g., Taylor v. Temple & Cutler*, 192 F.R.D. 552, 558 (E.D. Mich. 1999) (citing *Weitzman v. Blazing Pedals, Inc.*, 151 F.R.D. 125 (D. Colo. 1993)).

Consequently, the Court finds that the statement at issue and the transcription thereof constitute work product and, therefore, not discoverable, absent a showing or substantial need or undue hardship. Plaintiffs' bald assertion that they need the information at issue is insufficient to carry their burden.

Accordingly, it is now hereby **ORDERED** that Plaintiffs' Motion to Compel Production of Transcribed Statements Taken by Defendant's Insurance Company (Docket No. 24) is **DENIED**.

ENTER:

Dated: February 20, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE